

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EDUARDO MACANCELA, *on behalf of himself* :
and all others similarly situated, :

Plaintiff, :

- against - :

PORT DRAGO CORP. and CHARLES DRAGO, :

Defendants. :
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/20/2019

ORDER

19-CV-5856 (LTS) (JLC)

JAMES L. COTT, United States Magistrate Judge.

On November 15, 2019, the parties filed a proposed stipulation of conditional collective certification along with a proposed notice of a collective action and “Consent to Join Collective Action” form for the Court’s approval. Dkt. No. 22.

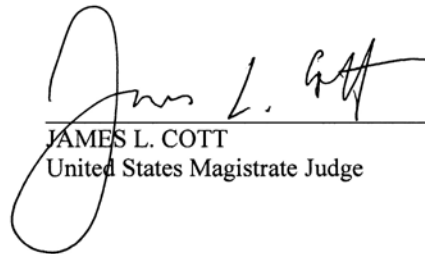
The parties are directed to make the following modifications to the proposed notice: (1) add the word “to” to the second sentence of the first paragraph of Section IV on page 3 after the word “choose,” as the sentence currently reads as the following: “You may also choose do nothing, and you will not join the lawsuit.”; (2) clarify, under Section IV on page 3, whether the opt-in plaintiff should send the consent form to either Plaintiff’s attorney or both; (3) add the email address and fax number to Plaintiffs’ counsel’s contact information; and (4) add a separate section in the notice for Defendants’ counsel’s contact information as well as the following language: If you decide to join this case, you should not contact the defendants’ lawyer but instead rely on your counsel to do so. See *Benavides v. Serenity Spa NY Inc., et ano.*, 166 F. Supp. 3d 474, 486–87 (S.D.N.Y. 2016).

As to the proposed consent form, counsel should add an option for an opt-in plaintiff to indicate that he/she is choosing to represent him/herself. *See id.* at 486.¹

With these changes and the submission of a revised proposed notice and consent form, the Court will promptly sign the stipulation and approve the notice and consent forms.

SO ORDERED.

Dated: New York, New York
November 20, 2019



JAMES L. COTT
United States Magistrate Judge

¹ The parties should also include both Judge Swain's initials and mine as well on both the notice and consent form, *i.e.*, (LTS) (JLC).